

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:13-cv-00343-FDW**

**JOHN EDWARD KUPLEN,**           )  
  )  
                                  **Plaintiff,**    )  
  )  
**vs.**                                        )  
  )  
**U.S. DEPARTMENT OF**            )  
**JUSTICE, et al.,**                )  
  )  
                                  **Defendants.**   )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on Plaintiff's letter [Doc. 55], which the Court construes as a motion for miscellaneous relief.

Pro se Plaintiff John Edward Kuplen ("Plaintiff") is a prisoner in the custody of the North Carolina Department of Public Safety (NCDPS) at the Caledonia Correctional Institution in Tillery, North Carolina. Plaintiff filed this action pursuant to 42 U.S.C. § 1983 [Doc. 1] and filed an Application to proceed without prepaying the filing fee [Doc. 2]. The Court granted the Application and entered an Order establishing a debt in the amount of the \$350 filing fee and directing the correctional facility to transmit monthly payments until the fee is paid in full. [Doc. 6]. On March 9, 2015, Plaintiff's Complaint was dismissed for failure to state a claim upon which relief may be granted. [Doc. 43]. Previously, Plaintiff filed a letter directed to the Clerk's Office stating that he wanted to use his stimulus check, which he had not yet received, to pay the remaining balance of the filing fee. [Doc. 53]. The Court denied Plaintiff's request because Plaintiff was without authority to direct the use of Plaintiff's stimulus check. [Doc. 54].

Plaintiff now files the instant letter again directed to the Clerk's Office, in which he states that he paid the \$195.00 balance of his filing fee on or around June 2, 2021, but that "prison


authorities are still deducting it from [his] trust account,” and that he “may be due a refund for excessive payment to date.” [Doc. 55]. The Court has confirmed with the Clerk’s Financial Department that Plaintiff did, in fact, pay off the balance of his filing fee on June 8, 2021. Plaintiff, however, fails to allege that he is actually owed a refund and the Clerk’s records do not reflect an overpayment. The Court will, therefore, dismiss Plaintiff’s motion without prejudice.

### **ORDER**

1. Plaintiff’s motion [Doc. 55] is **DENIED** without prejudice. Plaintiff may renew the motion if he is owed reimbursement for overpayment of the filing fee.

2. The Clerk is respectfully instructed to mail a copy of this Order to the Caledonia Correctional Institution and to NCDPS Division of Prisons, 4260 Mail Service Center, Raleigh, NC 27699-4260, to ensure that withdrawals from Plaintiff’s inmate account for this case are terminated.

Signed: August 16, 2021

  
Frank D. Whitney  
United States District Judge

